

SERVICE DATE – APRIL 10, 2006

**SURFACE TRANSPORTATION BOARD
WASHINGTON, DC 20423**

ENVIRONMENTAL ASSESSMENT

STB DOCKET NO. AB-6 (Sub No. 437X)

BNSF RAILWAY COMPANY—ABANDONMENT EXEMPTION—POLK COUNTY, IA

BACKGROUND

In this proceeding, the BNSF Railway Company (BNSF) filed a notice of exemption pursuant to 49 C.F.R. 1152.50 to abandon 0.89 miles of rail line that extends between BNSF Station 0+00 and Station 47+00 near Glake, in Polk County, Iowa (the line). A map depicting the rail line in relationship to the area served is appended to this Environmental Assessment (EA). If the notice becomes effective, the railroad will be able to salvage track, ties, and other railroad appurtenances and dispose of the right-of-way.

ENVIRONMENTAL REVIEW

The railroad submitted an environmental report that concludes the quality of the human environment would not be affected significantly as a result of the abandonment or any post-abandonment activities, including salvage and disposition of the right-of-way. The railroad served the environmental and historical reports on a number of appropriate Federal, state, and local agencies as required by the Surface Transportation Board's (Board) environmental rules [49 CFR 1105.7(b)]. The Board's Section of Environmental Analysis (SEA) has reviewed and investigated the environmental record in this proceeding.

According to BNSF, this line has been out of service for more than two years. Consequently, the proposed abandonment would cause no diversion of passengers or freight to other transportation systems or modes. Because the line has handled no local or overhead traffic during the last two years, the proposed abandonment would not affect the transportation of energy resources or recyclable commodities, and would not result in an increase in overall energy efficiency. The Iowa Department of Transportation indicates there should be little or no impact on the overall transportation system and there are no state roads that would be impacted.

BNSF states that it is aware of no inconsistencies of the proposed action with existing land use plans. The Natural Resources Conservation Service indicates "there is no prime farmland in the affected area." BNSF maintains that any emissions associated with salvage operations would be temporary and would not have a significant impact on air quality. Noise associated with salvage activities would also be temporary and should not have a significant impact on the area surrounding the proposed abandonment.

According to BNSF, the abandonment should have no adverse effect on health or public safety. There are no public crossings and no private crossings on the line. BNSF states there are no known hazardous waste sites or sites where there have been known hazardous material spills on the right-of-way.

The U.S. Fish and Wildlife Service (USFWS) reports it has researched its ownerships in the vicinity and has determined that it “does not own any lands or interests in land in the vicinity of the proposed rail line abandonment.” Further, the USFWS indicates it does not have any concerns regarding real estate matters in the area of the proposed abandonment. The Bureau of Land Management states that it does not administer any Federal lands along the line. The State of Iowa Department of Natural Resources (IDNR) indicates a search of its records of the project area found no site-specific records of rare species or significant natural communities that would be impacted by the abandonment, but if listed species or rare communities are found during salvage activities, mitigation may be required. According to BNSF, the proposed abandonment would be consistent with applicable Federal, state or local water quality standards. The IDNR indicates if more than one acre of land would be disturbed during salvage activities, a storm general permit #2 would be needed.

The United States Army Corps of Engineers (USACE) states “the project as proposed does not require a USACE 404 permit.” The USACE notes that “should the project involve the extraction of any bridges, BNSF is required to remove all materials to an upland, non-wetland site, and to remove all pilings to at least one foot below streambed elevations.” Additionally, USACE states BNSF is “required to seed all disturbed areas with native grasses and to implement appropriate measures to insure that sediments are not introduced into waters of the United States during the project.”

HISTORIC REVIEW

BNSF submitted an historic report as required by the Board’s environmental rules [49 CFR 1105.8(a)] and served the report on the Iowa State Historic Preservation Office (SHPO), pursuant to 49 CFR 1105.8(c). The SHPO has not completed its evaluation of the potential impact of this project on historic resources. Accordingly, the railroad shall retain its interest in and take no steps to alter the historic integrity of all sites, buildings, and structures within the project right-of-way that are eligible for listing or listed in the National Register of Historic Places (generally, 50 years old or older) until the Section 106 process of the National Historic Preservation Act, 16 U.S.C. 470f, has been completed. The railroad shall report back to the SEA regarding any consultation with the SHPO and any other Section 106 consulting parties. BNSF shall not consummate the abandonment or initiate any salvage activities related to abandonment until the Board removes this condition.

SEA is required to consult with tribes pursuant to 36 CFR 800.3(f)(2) to seek their input regarding any National Register of Historic Places eligible properties of traditional religious and cultural significance that may be affected by the proposed abandonment. SEA has identified the following Federally recognized Indian tribes, which may have ancestral connections to the project

area and may therefore have an interest in the project's potential impacts on any areas of tribal interest. The tribes identified are the Sac and Fox Nation of Missouri, the Sac and Fox Nation of Oklahoma, the Sac and Fox Tribe of the Mississippi in Iowa, the Iowa Tribe of Kansas and Nebraska, the Iowa Tribe of Oklahoma and the Ho-Chunk Nation of Wisconsin. SEA has added the tribes to the service list for this proceeding to ensure that they receive a copy of this EA for their comment.

CONDITIONS

SEA recommends that the following environmental conditions be placed on any decision granting abandonment authority:

- BNSF shall consult with the Iowa Department of Natural Resources prior to any salvage activities to determine if a storm general permit #2 would be needed.
- BNSF shall consult with the Army Corps of Engineers to determine the appropriate procedures for seeding all disturbed areas with native grasses.
- BNSF shall consult with the Army Corps of Engineers to insure that sediments are not introduced into waters of the United States during salvage activities.
- BNSF shall retain its interest in and take no steps to alter the historic integrity of all sites, buildings, and structures within the project right-of-way that are eligible for listing or listed in the National Register of Historic Places (generally, 50 years old or older) until the Section 106 process of the National Historic Preservation Act, 16 U.S.C. 470f, has been completed. The railroad shall report back to the Section of Environmental Analysis regarding any consultation with the SHPO and any other Section 106 consulting parties. The railroad shall not consummate the abandonment or initiate any salvage activities related to abandonment until the Board removes this condition.

CONCLUSIONS

Based on the information provided from all sources to date, SEA concludes that, as currently proposed, and if the recommended conditions are imposed, abandonment of the line would not significantly affect the quality of the human environment. Therefore, the environmental impact statement process is unnecessary.

Alternatives to the proposed abandonment would include denial (and therefore no change in operations), discontinuance of service without abandonment, and continued operation by another operator. In any of these cases, the existing quality of the human environment and energy consumption should not be affected.

PUBLIC USE

Following abandonment and salvage of the rail line, a portion of the right-of-way may be suitable for other public use. A request containing the requisite four-part showing for imposition of a public use condition (49 CFR 1152.28) must be filed with the Board and served on the railroad within the time specified in the Federal Register notice.

TRAILS USE

A request for a notice of interim trail use is due to the Board, with a copy to the railroad, within 10 days of publication of the notice of the class exemption in the Federal Register. Nevertheless, the Board will accept late-filed requests as long as it retains jurisdiction to do so in a particular case. This request must comply with the Board's rules for use of rights-of-way as trails (49 CFR 1152.29).

PUBLIC ASSISTANCE

The Board's Office of Public Services (OPS) responds to questions regarding interim trail use, public use, and other reuse alternatives. You may contact OPS directly at (202) 565-1592, or mail inquiries to Surface Transportation Board, Office of Public Services, Washington, DC 20423.

COMMENTS

If you wish to file comments regarding this environmental assessment, send an **original and two copies** to Surface Transportation Board, Case Control Unit, Washington, DC 20423, to the attention of Phillis Johnson-Ball, who prepared this environmental assessment. Environmental comments may also be filed electronically on the Board's web site, www.stb.dot.gov, by clicking on the "E-FILING" link. **Please refer to Docket No. AB-6 (Sub. No. 437X) in all correspondence, including e-filings, addressed to the Board.** If you have any questions regarding this environmental assessment, please contact Phillis Johnson-Ball, the environmental contact for this case, by phone at (202) 565-1530, fax at (202) 565-9000, or e-mail johnson-ballp@stb.dot.gov.

Date made available to the public: April 10, 2006.

Comment due date: April 25, 2006.

By the Board, Victoria Rutson, Chief, Section of Environmental Analysis.

Vernon A. Williams
Secretary

Attachment